

**COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION**

**FISCAL NOTE**

L.R. No.: 1238-04  
Bill No.: SCS for SB 415, 88, 200, 223, 413, 523, 589 & 626  
Subject: Boards, Commissions, Committee, Councils; Economic Development Dept;  
 Licenses - Professional; Health Care Professionals; Architects; Chiropractors;  
 Physical Therapists; Psychologists  
Type: Original  
Date: April 14, 2003

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Criminal Records System Fund	\$0	\$4,508	\$140
Private Investigator Examiners Fund	\$0	\$122,266	(\$101,937)
PR Fees Fund	(\$41,588)	\$41,588	\$0
Dietician Fund	\$115,800	\$3,474	\$116,840
Auctioneers Fund	\$0	\$90,922	(\$74,953)
Auctioneers Fund - Subaccount	\$0	Unknown*	Unknown*
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$74,212</b>	<b>\$262,758 to Unknown</b>	<b>(\$59,910) to Unknown</b>

**\*Not expected to exceed \$100,000**

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 24 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
Federal Bureau of Investigation	\$0	\$7,728	\$240
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$7,728</b>	<b>\$240</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>(Unknown up to \$21,250)</b>	<b>(Unknown up to \$21,250)</b>	<b>(Unknown up to \$21,250)</b>

**FISCAL ANALYSIS**

ASSUMPTION

Officials from the following agencies indicated there would be no fiscal impact to their respective agencies as a result of this proposal: **Department of Revenue, Department of Mental Health, Department of Insurance, Office of Administration - Division of Personnel, Office of the Governor, Missouri Senate, Department of Elementary and Secondary Education, and the Office of State Treasurer.**

Officials from the **Office of State Courts Administrator** stated there would be no fiscal impact on the Courts as a result of this proposal.

Officials from the **Department of Correction (DOC)** stated that currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

DOC officials state that if additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per

ASSUMPTION (continued)

offender, per day or an annual cost of \$1,132 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Administrative Hearing Commission (AHC)** anticipate this proposal will not significantly alter its caseload. AHC notes if other similar proposals also pass, creating more cases or more complex cases, there could be a fiscal impact.

Officials from the **Office of State Public Defender (SPD)** assumed, for the propose of this proposal, that existing staff could provide representation for those few cases arising where indigent persons were charged with working as a private investigator, dietitian, auctioneer, or the others without a license.

Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of Prosecution Services** assume any costs to prosecutors resulting from this proposal can be absorbed.

Officials from the **Secretary of State's Office (SOS)** assumed the rules, regulations and forms issued by the Department of Economic Development could require as many as 164 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the *Code of State Regulations* is \$27. The actual costs could be more or less the SOS's estimated cost of \$10,086 for FY 2004. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

*Section 324.205* - DIETICIANS

Officials from the **Department of Economic Development – Professional Registration (DPR)** state this proposal creates mandatory licensure for persons who practice or offer to practice dietetics in the State of Missouri. DPR notes the Missouri Dietetic Association estimates there will be approximately 579 applicants for licensure upon passage of this proposal (effective August 28, 2003). DPR estimates a \$200 application fee will be charged and a \$190 biennial fee thereafter (renewals occur in odd FYs). DPR calculates a 3% growth rate. DPR assumes all costs can be covered by the board's current appropriation.

*Sections 335.500 and 335.600* - NURSE LICENSURE COMPACT/ADVANCED PRACTICE REGISTERED NURSE COMPACT

Officials from the **Department of Health and Senior Services (DOH)** expect the proposal would not significantly impact its operations. DOH officials note if the proposal were to substantially impact its programs, they would request funding through the legislative process. DOH notes the proposal could have a fiscal impact on the Missouri Professional and Practical Nursing Student Loan and Loan Repayment Fund/Programs because nurses may opt not to be licensed in Missouri, therefore reducing the amount of surcharge available for current incentive programs.

**Oversight** assumes there could be an indirect effect on the Missouri Professional and Practical Nursing Student Loan and Loan Repayment Fund/Programs; however, there would not be a direct effect on any state funds.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the proposal would not directly impact their agency. DPR states a nurse would only be required to hold a license in his/her state of residence and then would be able to practice in other states that are part of the nurse license compact. Currently, 1,275 nurses have a Missouri license but reside in a compact state and 1,293 nurses licensed in compact states have a Missouri address. Implementation of the compact would mean there would be a gain of 18 licensees. However, it is anticipated that the increase would be negated as other licensees may not renew or may go inactive. DPR notes there is an annual nurse license compact administrator's fee of \$3,000. The revenue loss with the nurse license compact implemented was figured into the revenue projections through fiscal year 2007. Implementation of the nurse license compact will not require a license renewal fee increase assuming the revenue projections are accurate.

ASSUMPTION (continued)

Sections 324.1100 through 324.324.1140 - PRIVATE INVESTIGATORS

Officials from the **Missouri State Highway Patrol (MSHP)** assume 3,333 fingerprints or less would be processed within a one year time span. Based on that assumption, MSHP anticipates no need for FTE or equipment. MSHP states there would be an impact on total state revenue because of the fees for processing fingerprints: \$14 (state fee) x 3,333 = \$46,662 and \$24 (federal fee) x 3,333 = \$79,992. The federal money is passed through to the FBI and is not retained in the Criminal Records System Fund. The \$46,662 however, would be kept in the fund.

**Oversight** has adjusted the number of fingerprints to match the estimate provided by the Division of Professional Registration. **Oversight** assumes costs associated with fingerprints will begin in FY 2005 due to the length of time required to establish the board combined with the potential effect of grandfathering current private investigators.

Officials from the **Office of the Attorney General (AGO)** assume representing the Board of Private Investigator Examiners in licensure matters would require 0.5 (part-time) Assistant Attorney General II. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$21,509 in FY 2004; \$26,457 in FY 2005; and \$27,118 in FY 2006.

**Oversight** assumes that the AGO will be reimbursed for services from the Private Investigator Examiners Fund.

Officials with the **Department of Economic Development–Division of Professional Registration (DPR)** estimate the proposal will result in the licensing of 322 individuals as private investigators and at least 322 businesses, based on a search of Superpages.com. DPR assumes a fee of \$400 will be paid for all categories of licensure with biennial renewal. DPR estimates a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the Private Investigator Examiners Fund of \$257,600 in FY 2005 and \$3,864 in FY 2005.

DPR assumes all fees collected and all expenses would be deposited into and paid out of the Board of Private Investigator Examiners Fund. DPR notes expenses occurring prior to an appropriation (FY 2004) would be borrowed from another fund within Professional Registration and paid back in FY 2005 if funds are available.

DPR assumes implementation of the proposal will require hiring an additional 1.5 FTE in FY 2005, as follows: 0.5 Principal Assistant (0.5 FTE at \$48,240) to serve as the senior executive officer of the agency; 0.5 Licensure Technician II (0.5 FTE at \$24,492) to provide technical

ASSUMPTION (continued)

support, process applications for licensure and respond to any inquiries related to the licensure law or rules & regulations; and 0.5 Account Clerk II (0.5 FTE at \$23,184) to provide support for the Division's Central Accounting Section and Central Cash Receiving Room. DPR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$2,600.

DPR assumes the five (5) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR notes the Principal Assistant, Licensure Technician and an Attorney General representative will also attend the meeting. DPR assumes there would be four (4) meetings in FY 2004 to promulgate rules and regulations. DPR estimates each board member will receive a \$50 per for each day conducting board business. DPR assumes per diem, mileage, lodging, and meal expenses (for five board members and three staff) to cost approximately \$9,500 annually.

DPR assumes 12 complaints would be received each year and would require, on average, five hours each to complete. DPR estimates 15% of these complaints (2) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the two investigations are estimated at \$670 annually. DPR assumes complaints and investigations would not start until FY 2006.

DPR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimates 25% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimates \$5,400 annually beginning in FY 2006. DPR also estimates the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,652 yearly.

DPR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimates printing and postage costs at \$6.19 per licensee in the first year, for a total cost of \$3,986. Subsequent years' printing and postage costs are expected to be \$2,500 annually, based on a similarly-sized board.

DPR assumes licensed private investigators will represent 0.5% of DPR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$12,498 per annum. DPR assumes these costs will begin in FY 2004.

**Oversight** has done the following to calculate the fiscal impact:

ASSUMPTION (continued)

- (1) Assumed private investigative businesses may have more than one investigator and have adjusted the total number of potential licensees to 1,000 and assume DPR's request of 1.5 additional FTE should be able to handle the workload;
- (2) Adjusted the licensure fee to \$250 which should cover the operations of the Board;
- (3) Assumed additional rental space would not be required and no additional furniture or equipment should be required since requested FTE are all part-time positions;
- (4) Adjusted travel expense related to board meeting meal allowances by \$840 as a result of Office of Administration travel guidelines which do not allow meals for state employees when they are in their official domicile; and
- (5) Used DPR's estimates unless otherwise noted.

Sections 337.300 through 337.530 - COUNSELORS AND THERAPISTS

Officials from the **Office of the Attorney General (AGO)** assume representation of the Board of Counselors and Therapists would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006.

**Oversight** assumes the AGO will be reimbursed for services from the Board of Counselors and Therapists Fund relating to representation provided to the Board.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the proposal would have no fiscal impact on their division. DPR states that over a period of time costs for marital and family therapists may be reduced which would allow for the license fees for marital and family therapists to also be reduced.

Sections 337.604; 337.633 - SOCIAL WORKERS

Officials from the **Department of Social Services – Division of Family Services (DFS)** assume the proposal may require changes to the personnel system if it is found that agency staff can no longer be referred to as Social Service Workers, Social Work Specialists or Social Service Supervisors. DFS states if agency titles were required to change, items including the title, such

as business cards and identification badges, would need to be replaced. In addition, changes to wording in the agency policy manuals may be required. DFS notes there is a lack of definition ASSUMPTION (continued)

(in the proposal) of the forms of the title that prevent calculating an exact impact. DFS assumes the impact would be less than \$100,000 annually.

**Oversight** assumes any cost arising from the need to replace/update business cards, identification badges, letterhead and policy manuals could be paid from existing resources. **Oversight** further assumes any such cost should be incurred in fiscal years 2004 and 2005 only.

Officials from the **Department of Economic Development – Division of Professional Registration** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion this fiscal note in its present form, has no fiscal impact to our division. However, if any individual, government entities, public or private agency or organization violates any provision of section 337.604 the board shall impose a fine up to \$1,000 which would increase the Social Work Fund, which in turn would increase total state revenue.

**Oversight** assumes revenue from fines paid would go to the Social Work Fund; however, the proposal doesn't require any individual or agency to disobey the law. **Oversight** assumes individuals and public and private agencies will comply with the provisions of the proposal and therefore assumes no direct fiscal impact on state funds.

Sections 343.010 through 343.250 - AUCTIONEERS

Officials from the **State Treasurer's Office (STO)** note the proposal does not state who is to administer the fund and the subaccount. STO officials assume it is Professional Registration's responsibility. STO notes subaccounts are not feasible on the current state accounting system or the STO's fund accounting system. Either the subaccount moneys are contained within the State Board of Auctioneers fund and tracked separately only through reporting (no expenditure controls are feasible), or a separate fund must be set up. STO notes no interest will be distributed to the fund or the subaccount and therefore assumes no fiscal impact.

Officials from the **Office of the Attorney General (AGO)** assume representing the Board of Auctioneers would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006.

**Oversight** assumes the AGO will be reimbursed for services from the State Board of

Auctioneers Fund.

ASSUMPTION (continued)

Officials with the **Department of Economic Development–Division of Professional Registration (DPR)** estimate the proposal will result in the licensing of 425 (350 auctioneers and 75 apprentice auctioneers) auctioneers. DPR assumes a fee of \$525 will be paid for all categories of licensure with biennial renewal. DPR estimates a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the State Board of Auctioneers Fund of \$223,125 in FY 2005 and \$3,347 in FY 2006. DPR notes, in accordance with the proposal, \$50 per year (\$100 biennially), per licensee, will be deposited into the auctioneer fund subaccount.

DPR assumes all fees collected and all expenses would be deposited into and paid out of the State Board of Auctioneers Fund. DPR notes expenses occurring prior to an appropriation (FY 2004) would be borrowed from another fund within Professional Registration and paid back in FY 2005 or FY 2006.

DPR assumes implementation of the proposal will require hiring an additional 1.0 FTE in FY 2005, as follows: 0.5 Principal Assistant (0.5 FTE at \$48,240) to serve as the senior executive officer of the agency and 0.5 Licensure Technician II (0.5 FTE at \$24,492) to provide technical support, process applications for licensure and respond to any inquiries related to the licensure law or rules & regulations. DPR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$1,700.

DPR assumes the five (5) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR notes the Principal Assistant, Licensure Technician and an Attorney General representative will also attend the meeting. DPR assumes there would be four (4) meetings in FY 2004 to promulgate rules and regulations. DPR notes the proposal does not allow for per diem or expense reimbursement, therefore, no costs for board meetings have been estimated.

DPR assumes eight (8) complaints would be received each year and would require, on average, five hours each to complete. DPR estimates 15% of these complaints (1) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the investigation are estimated at \$255 annually. DPR assumes complaints and investigations would not start until FY 2006.

DPR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimates 25% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimates \$5,400 annually beginning in FY

2006. DPR also estimates the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,652 yearly beginning in FY 2004.

ASSUMPTION (continued)

DPR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimates printing and postage costs at \$6.19 per licensee in the first year, for a total cost of \$2,631. Subsequent years' printing and postage costs are expected to be \$1,500 annually, based on a similarly-sized board.

DPR assumes licensed private investigators will represent 0.50% of DPR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$12,498 per annum. DPR assumes these costs will begin in FY 2004.

**Oversight** has done the following to calculate the fiscal impact:

- (1) Adjusted the licensure fee to \$425 which should cover the operations of the Board;
  - (2) Assumed additional rental space would not be required and no additional furniture or equipment should be required since requested FTE are all part-time positions;
  - (3) Assumed the additional \$50 fee paid by licensees upon application or renewal will be treated as income to the State Board of Auctioneers Fund – Subaccount;
  - (4) Payments to aggrieved parties will be made from the State Board of Auctioneers Fund – Subaccount as opposed to the PR Fees Fund;
  - (5) Assumed the State Board of Auctioneers Fund – Subaccount will maintain a positive balance through the Board's diligence to collect reimbursement from licensees for all amounts paid to an aggrieved party due to the violation of the licensee; and
- (4) Used DPR's estimates unless otherwise noted.

**Oversight** assumes there will be a loss of revenue to any county which has previously received fee income from auctioneers.

**This proposal would increase total state revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
<b>DIETITIAN FUND (Section 324.205)</b>			
<u>Income</u> – Div of Professional Registration			
Licensure Fees	<u>\$115,800</u>	<u>\$3,474</u>	<u>\$116,840</u>
<b>ESTIMATED NET EFFECT ON DIETITIAN FUND</b>	<b><u>\$115,800</u></b>	<b><u>\$3,474</u></b>	<b><u>\$116,841</u></b>
<b>PRIVATE INVESTIGATOR EXAMINERS FUND (Sections 324.1100 to 324.1140)</b>			
<u>Income</u> – DPR			
Licensure Fees/Renewals	\$0	\$250,000	\$7,500
<u>Cost</u> – DPR			
Transfers to PR Fees Fund	<u>\$0</u>	<u>(\$127,734)</u>	<u>(\$109,437)</u>
<b>ESTIMATED NET EFFECT TO PRIVATE INVESTIGATOR EXAMINERS FUND</b>	<b><u>\$0</u></b>	<b><u>\$122,266</u></b>	<b><u>(\$101,937)</u></b>
<b>CRIMINAL RECORD SYSTEM FUND (Section 324.1108)</b>			
<u>Income</u> – Missouri State Highway Patrol			
Fingerprint Fees	\$0	\$12,236	\$380
<u>Transfer</u> – Missouri State Highway Patrol			
Federal Portion (FBI) of Fingerprint Fees	<u>\$0</u>	<u>(\$7,728)</u>	<u>(\$240)</u>
<b>ESTIMATED NET EFFECT ON CRIMINAL RECORD SYSTEM FUND</b>	<b><u>\$0</u></b>	<b><u>\$4,508</u></b>	<b><u>\$140</u></b>

**STATE BOARD OF AUCTIONEERS  
 FUND (Section 343.101 to 343.250)**

<u>Income</u> – DPR			
Licensure Fees/Renewals	\$0	\$180,625	\$5,419
<u>Cost</u> – DPR			
Transfers to PR Fees Fund	\$0	<u>(\$89,703)</u>	<u>(\$80,372)</u>
<b>ESTIMATED NET EFFECT TO STATE BOARD OF AUCTIONEERS FUND</b>	<b><u>\$0</u></b>	<b><u>\$90,922</u></b>	<b><u>(\$74,953)</u></b>

**STATE BOARD OF AUCTIONEERS  
 FUND – SUBACCOUNT**

<u>Income</u> – DPR			
Special Auctioneer Fees (Section 343.404)	\$0	\$21,250	\$638
Reimbursements from Licensee(s) (Section 343.410)	\$0	<u>Unknown</u>	<u>Unknown</u>
Total Income – DPR	\$0	<u>\$21,250 to Unknown</u>	<u>\$638 to Unknown</u>
<u>Cost</u> – DPR			
Payments to Aggrieved Parties (Section 343.410)	\$0	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON STATE BOARD OF AUCTIONEERS FUND – SUBACCOUNT</b>	<b><u>\$0</u></b>	<b><u>Unknown*</u></b>	<b><u>Unknown*</u></b>

\*Expected to be less than \$100,000

**PR FEES FUND**

Income - DPR

Transfer from Private Investigator Examiners Fund (Sections 324.1100 to 324.1140)	\$0	\$127,734	\$109,437
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Income - DPR

Transfer from State Board of Auctioneers Fund (Sections 343.010 to 343.250)	\$0	\$89,703	\$80,372
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TOTAL INCOME - PR FEES FUND	\$0	\$217,437	\$189,809
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Costs – DPR (Sections 324.1100 to  
324.1140)

Board Member Per Diem	(\$2,000)	(\$2,000)	(\$2,000)
Personal Service (1.5 FTE)	\$0	(\$50,386)	(\$51,646)
Fringe Benefits	\$0	(\$20,391)	(\$20,901)
Expense and Equipment	(\$7,288)	(\$12,884)	(\$12,527)
Division Administration	(\$12,498)	(\$12,873)	(\$13,259)
AGO	(\$3,652)	(\$3,762)	(\$9,104)
<u>Costs - DPR (Private Investigators)</u>	<u>(\$25,438)</u>	<u>(\$102,296)</u>	<u>(\$109,437)</u>

Costs – DPR (Section 343.010 to  
343.250)

Personal Service (1.0 FTE)	\$0	(\$38,207)	(\$39,162)
Fringe Benefits	\$0	(\$15,462)	(\$15,849)
Expense and Equipment	\$0	(\$3,249)	(\$2,498)
Division Administration	(\$12,498)	(\$12,873)	(\$13,259)
AGO	(\$3,652)	(\$3,762)	(\$9,604)
<u>Costs - DPR (Auctioneers)</u>	<u>(\$16,150)</u>	<u>(\$73,553)</u>	<u>(\$80,372)</u>

TOTAL COSTS - DPR	<u>(\$41,588)</u>	<u>(\$175,849)</u>	<u>(\$189,809)</u>
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counselors. This proposal could affect small businesses by allowing some physical therapists to begin practicing sooner.

## DESCRIPTION

This proposal contains numerous provisions relating to the Division of Professional Registration. The provisions of the proposal include:

## DESCRIPTION (continued)

### **DIETICIANS**

Sections 324.200; 324.203; 324.205; 324.206; 324.210; 324.215; 214.216

Modifies provisions relating to the licensing of dietitians.

Section 324.400

Definitions for "dietetics practice" and "registered dietitian" are created.

Section 324.403

The State Committee of Dietitians is placed within the division of professional registration. The Committee shall assist the division in carrying out the provisions of the Dietitians Practice Act and shall approve the licensing examination.

Section 324.405

Certain persons are exempted from the licensure requirements of this proposal provided they do not hold themselves out as a dietitian.

Section 324.216

Licenses are allowed to let their license lapse or be put on inactive status, provided the licensee does not practice during the time the license is lapsed or inactive. The proposal creates requirements for maintaining an inactive license and for reinstating a lapsed license. A person practicing with a lapsed or inactive license shall be guilty of a Class A misdemeanor.

### **PRIVATE INVESTIGATORS**

Sections 324.1100 through 324.1140

Creates the Board of Private Investigator Examiners within the Division of Professional Registration. The Board will consist of five members appointed by the Governor with the advice and consent of the Senate. The members may receive compensation as determined by the director and shall be reimbursed for actual and necessary expenses. The Board shall be a body corporate and may sue and be sued. The Board of Private Investigator Examiners Fund is also created.

DESCRIPTION (continued)

The proposal makes it unlawful for persons to engage in the private investigator business unless licensed. Application requirements are specified. The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The proposal grandfathers current private investigators and a license will be issued to such persons who apply within 180 days if the applicant shows registration and good standing as a business and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications.

Grounds for denial of licensure are specified. The Board shall set the fees for licensure at a level to produce revenue which will not substantially exceed the cost and expense of administering the provisions of the proposal. Licenses shall expire two years after issuance and provisions for renewal are provided.

License disciplinary procedures are specified. The Board is given rulemaking authority. The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs or other information required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

**LANDSCAPE ARCHITECTS**

Section 327.401

Adds the rights to practice as a landscape architect to those of a professional engineer and

professional land surveyor as not being transferable.

Section 327.411

This proposal includes landscape architects in statutes concerning the right to practice and use of a personal seal. Currently, only architects, professional engineers and professional land surveyors are included in such sections.

Section 327.172

Creates an inactive license status for architects. An inactive licensee shall not practice as an

DESCRIPTION (continued)

architect in this state, but may continue to use the title "architect." In order to reinstate such license to active status, the licensee must meet certain competency requirements established by the board of architects, professional engineers, professional land surveyors and landscape architects. Inactive licensees who fail to maintain a current license in any state for more than five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

**BARBERS**

Section 328.110

Allows barbers whose licenses have lapsed for over two years but less than five years to have their licenses reinstated by making application to the State Board of Barber Examiners, passing the practicum portion of the state licensing exam and paying the appropriate fees.

**CHIROPRACTORS**

Section 331.010

Chiropractors licensed in another state do not need to be licensed in this state if such chiropractor consults on a patient with a Missouri licensed chiropractor and the Missouri chiropractor retains ultimate control, or the out-of-state chiropractor renders a chiropractic opinion or provides testimony in any civil or criminal action pending in this state.

Section 331.030

Modifies reciprocal licensing of chiropractors to remove the requirement that the licensing authority of another state must grant reciprocal licensing to Missouri licensees. The board may require additional examination of reciprocal licensing applicants if the requirements for licensure in the other state are not equivalent at the time application is made for licensure in this state.

Section 331.050

An inactive license status is created. The Board shall place qualified applicants on inactive status upon application. Inactive licensees may practice only on themselves and their families. Inactive licensees do not have to comply with continuing education requirements. Licensees wishing to reactivate their license within five years must meet all established requirements, excluding the licensing examination.

DESCRIPTION (continued)

Section 331.053

A patient records statute is created. The proposal defines what constitutes a complete patient record. Patient records must remain under the control of the chiropractor for a minimum of seven years from the date of last professional service. Any corrections or additions made after 48 hours must be clearly marked. Violation of this statute shall only be a secondary cause for discipline of the chiropractor's license. The Board shall not obtain a medical record without the issuance of a subpoena.

**PHYSICAL THERAPISTS**

Sections 334.530 through 334.670

The Board of Healing Arts may waive the mandatory denial of a license to a physical therapist or physical therapist assistant applicant who fails the licensing examination three or more times if the applicant is licensed, has passed a licensing examination and has practiced in another state for two years without any disciplinary action, or has held an undisciplined provisional license for two years. If the applicant has obtained a higher professional degree since failing the exam three times, then such applicant is approved to sit for the exam an additional three times. The proposal deletes the requirement that the board shall preserve examination grades or scores for three years.

A provisional license classification is created for both physical therapists and physical therapist assistants. The Board may issue a provisional license to an applicant who has failed the licensing examination three or more times, achieved a passing score on a licensing examination, and otherwise meets all requirements for permanent licensure. The provisionally licensed physical

therapist or physical therapist assistant must practice under the direction and supervision of a licensed physical therapist.

The issuance of a temporary license to a physical therapist or physical therapist assistant is limited to six months. A temporary license may be renewed for an additional six months following the first failure of a licensing examination. Such temporary license shall not be renewed after the second failure of a licensing examination. Upon the second failure, the applicant must complete a board-approved remediation program before taking the exam for a third time. Upon failure for the third time, the board shall not permit such applicant to reapply for the examination. Such person shall not receive a license to practice as a physical therapist or physical therapist assistant in this state, except as otherwise provided in sections 334.500 to 334.625, RSMo.

DESCRIPTION (continued)

**NURSE LICENSURE COMPACT/ADVANCED PRACTICE REGISTERED NURSE COMPACT**

Sections 335.500 and 335.600

Creates two multistate nursing licensure compacts; one for registered nurses and one for advanced practice registered nurses. These compacts allow licensed registered nurses and advanced practice registered nurses to practice nursing in states which participate in one of the nurse licensure compacts. All states wishing to participate in the compacts must adopt articles of authorization listed in the proposal.

**PSYCHOLOGISTS**

Section 337.030

An inactive license status is created for psychologists. An inactive licensed psychologist shall not hold himself or herself out as being professionally engaged in the regular practice of psychology and shall not engage in the regular practice of psychology. Inactive licensees do not have to complete continuing education. An inactive licensee may reactivate the license by completing a committee-approved application, paying required fees, and submitting proof of current competency.

**COUNSELORS AND THERAPISTS**

Section 337.300

Provides the necessary definitions for professional counselors and marital and family therapists.

Section 337.303

Creates the Board of Counselors and Therapists, which shall consist of nine members to be appointed by the Governor.

Section 337.305

Abolishes the State Committee of Marital and Family Therapists and the Committee for Professional Counselors and their duties will merge into the Board of Counselors and Therapists.

DESCRIPTION (continued)

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Section 337.306

Communications made to licensed professional counselors and licensed marital and family therapists shall be considered privileged.

Section 337.312

The Board of Counselors and Therapists Fund is created in the state treasury and will consist of all moneys collected by the Board.

Section 337.315

The Board has the authority to promulgate rules for applications for licenses, fees, examinations, and determining grievances and violations.

Section 337.403

Prohibits any unlicensed person from being referred to or practicing as a marital and family therapist.

Section 337.406

Requires marital and family therapists to be licensed and meet the requisite educational

and examination requirements to practice and be compensated.

Section 337.412 and 337.415

Details the licensure requirements for marital and family therapists.

Section 337.418

Licenses for marital and family therapists will expire every two years. The Board may issue temporary permits for extenuating circumstances.

Section 337.430

The Board may refuse to issue or renew a license for a marital and family therapist for any one of a combination of specified causes.

DESCRIPTION (continued)

Section 337.433

Anyone violating the provisions of 337.400 to 337.430 will be guilty of a Class B misdemeanor.

Section 337.440

The Board shall have the authority to issue subpoenas and require production of documents and records.

Section 337.505

Prohibits any unlicensed person from being referred to or practicing as a professional counselor.

Section 337.505 and 337.510

Details the licensure requirements for professional counselors.

Section 337.525

The Board may refuse to issue or renew a license for a professional counselor for any one of a combination of specified causes.

Section 337.530

Anyone violating the provisions of 337.505 to 337.540 will be guilty of a Class B misdemeanor.

Sections 337.500; 337.520; 337.540; 337.700 through 337.739 (REPEAL)

The effective date for the repeal and enactment of the sections regarding the Board of Counselors and Therapists is July 1, 2005 or such time as the governor appoints the members of the Board of Counselors and Therapists and said appointments are confirmed by the senate, whichever occurs sooner.

**SOCIAL WORKERS**

Section 337.600

Defines “social worker” as any individual that has earned a social work degree from an accredited social work program approved by the Council on Social Work Education or that holds a current state baccalaureate or clinical social work license.

DESCRIPTION (continued)

Section 337.604

Prohibits any person from holding themselves out as being a social worker or using the title of “social worker” unless the person holds a current license in baccalaureate or clinical social work issued by the State Committee for Social Workers or holds a degree from an accredited social work program approved by the Council on Social Work Education.

Beginning January 1, 2004, no person may use the title of “social worker” for volunteer or employment positions within contracts for services, documents, manuals, or reference material unless those persons being referred to have met all educational requirements set forth by the proposal.

Section 337.633

Violation of section 337.604 shall be subject to a fine of up to \$1,000.

**REAL ESTATE APPRAISERS**

Section 339.517

Provides that the Real Estate Appraisers Commission may require that some or all of the real estate appraising experience of an applicant for licensure be obtained in this state.

Section 339.537

Upon request by the Commission, certified and licensed real estate appraisers must make certain records available for inspection or copying at the expense of the appraiser. Currently, when litigation is contemplated, reports and records must be retained for three years after the trial date. This proposal requires the records and reports to be retained for two years after the final disposition.

**ADMINISTRATIVE HEARING COMMISSION**

Section 621.045

Places the Missouri Board for Architects, Engineers, Land Surveyors and Landscape Architects as well as the Board of Private Investigators under the purview of the Administrative Hearing Commission.

DESCRIPTION (continued)

**AUCTIONEERS**

Sections 343.010 through 343.250

This proposal changes the procedures for the licensing of auctioneers. Current law provides for the licensing of auctioneers by counties. This proposal creates a State Board of Auctioneers in the Division of Professional Registration within the Department of Economic Development. The Board shall be composed of five members appointed by the Governor with the advice and consent of the Senate. The Board oversees the examination and licensing of persons engaged in the practice of auctioneering. Rulemaking authority is granted to the Board. Licenses shall expire two years after issuance and provisions for renewal are provided.

The Board may refuse to issue any license and shall advise the applicant of their rights to file a complaint with the Administrative Hearing Commission. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to two years, suspend for up to five years, or revoke a person's license.

The proposal will not apply to certain types of auctions. The Board shall set the fees for

licensure at a level to produce revenue which will not substantially exceed the cost and expense of administering the provisions of the proposal. The State Board of Auctioneers Fund is also created. The Board will annually collect a fee of fifty dollars from each applicant and licensee to fund a subaccount of the State Board of Auctioneers Fund. The subaccount will be used to compensate individuals aggrieved by the actions of a licensee.

Sections 343.101; 343.030; 343.040; 343.050; 343.060; 343.070; 343.080; 343.090; 343.100; 343.250 (REPEAL)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Economic Development  
Division of Professional Registration  
Office of Secretary of State  
Administrative Rules Division  
Office of Administration  
Administrative Hearing Commission  
Office of State Public Defender  
Office of State Courts Administrator  
Department of Public Safety  
Missouri State Highway Patrol  
Office of the Governor  
Senate Administration  
Department of Elementary and Secondary Education  
Missouri Commission for the Deaf and Hard of Hearing  
Department of Corrections  
Office of Prosecution Services  
Office of State Treasurer

L.R. No. 1238-04  
Bill No. SCS for SB 415, 88, 200, 223, 413, 523, 589 & 626  
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Department of Social Services  
Division of Family Services  
Department of Mental Health  
Department of Health and Senior Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

MICKEY WILSON, CPA  
DIRECTOR  
APRIL 14, 2003